

1 Evan S. Goldstein (#011866)
2 Christi A. Woods (#022770)
3 Hesam Alagha (#026607)
4 HERMAN | GOLDSTEIN
1850 East Thunderbird
Phoenix, Arizona 85022
(602) 569-8200
egoldstein@hgfirm.com
cwoods@hgfirm.com
halagha@hgfirm.com
meo@hgfirm.com

7 | Attorneys for Defendant Allstate Fire & Casualty Ins. Co.

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

11 Linda Cogdill,
12 Plaintiff,
13 v.
14 Allstate Fire and Casualty
15 Company,
Defendant

| Case No.:

**DEFENDANT'S NOTICE OF
REMOVAL**

Defendants.

17 Defendants, Allstate Fire and Casualty Insurance Company (hereinafter
18 "Allstate"), through undersigned counsel, hereby gives notice it has removed this case
19 from the Maricopa County Superior Court to this Court pursuant to 28 U.S.C. §§ 1441
20 and 1446, and Arizona District Court Local Rule 3.7, based on diversity of citizenship
21 under 28 U.S.C. § 1332(a)(1).

22 1. This lawsuit arises out of alleged claims of Breach of Contract and Breach
23 of the Duty of Good Faith and Fair Dealing related to Defendant Allstate's handling of
24 Plaintiff's insurance claim.

25 2. Plaintiff filed her Complaint in the Maricopa County Superior Court. A
26 copy of the Summons and Complaint was served upon the Director of Insurance on

1 October 26, 2017. The Maricopa County Superior Court action is entitled *LINDA*
2 *COGDILL, Plaintiff, v. ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY,*
3 *Defendants*, Cause No. CV2017-014110.

4 3. Plaintiff, Linda Cogdill is a resident of the State of Arizona.

5 4. Defendant, Allstate Fire and Casualty Insurance Company, is an Illinois
6 Corporation with its principal place of business and headquarters in Illinois.

7 5. Complete diversity exists under 28 U.S.C. § 1332(a)(1) because Plaintiff,
8 Ms. Cogdill is a citizen of Arizona and Defendant Allstate is a citizen of Illinois.

9 6. The amount in controversy, exclusive of interest and costs, exceeds the
10 sum of \$75,000. Accordingly, this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

11 7. Defendant removed this lawsuit within 30 days after it received notice of
12 the lawsuit by service of process. See 28 U.S.C. § 1446(b)(1). Therefore, the Notice of
13 Removal is timely.

14 8. Defendant has provided a copy of this Notice of Removal to Plaintiff and
15 has filed a copy of the Notice of Removal with the Clerk of the Maricopa County
16 Superior Court, pursuant to 28 U.S.C. § 1446(d) and Arizona District Court local Rule
17 3.6(a). **Exhibit A** is a copy of the Notice of Removal that Defendant has filed with the
18 Maricopa County Superior Court.

19 9. Pursuant to 28 U.S.C. § 1446(a) and Arizona District Court Local Rule
20 3.6(b), Defendant has attached copies of all process, pleadings and orders served upon
21 them and all pleadings filed by all parties with the Maricopa County Superior Court
22 prior to this Notice of Removal. **Exhibit B** is a copy of these documents. **Exhibit C** is
23 attorney Evan S. Goldstein's Affidavit that to the best of his knowledge and belief,
24 Exhibit B contains true and complete copies of all documents filed in the state
25 court proceedings.

26

1 Dated this 22nd day of November, 2017.

2 HERMAN | GOLDSTEIN

3 By: /s/ Evan S. Goldstein
4 Evan S. Goldstein
5 Christi A. Woods
6 Hesam Alagha
7 1850 East Thunderbird
8 Phoenix, Arizona 85022
9 *Attorneys for Defendant Allstate*

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on November 22, 2017, I electronically transmitted the
12 attached document to the Clerk's Office using the CM/ECF system for filing, and
13 served on counsel of record via the Court's CM/ECF system.

14 Clerk of the Court
15 United States District Court
16 401 W. Washington St., Suite 130
17 Phoenix, Arizona 85003

18 Scott I. Palumbo
19 PALUMBO WOLFE & PALUMBO, P.C.
20 2800 N. Central Avenue, Suite 1400
21 Phoenix, Arizona 85004
22 *Attorneys for Plaintiff*

23
24
25
26 By /s/ Diane Arroyo
27 Allstate//BF/Cogdill #2/Pleadings - 3001-1329